



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

XXXX

Steven Knapp
President
The George Washington University
2121 I Street, NW
Suite 801
Washington, DC 20052

Re: OCR Complaint No. 11-17-2060
Resolution Letter

Dear Dr. Knapp:

This is to advise you of the resolution of the above-referenced complaint investigation of The George Washington University (the University) by the United States Department of Education (Department), Office for Civil Rights (OCR). The complaint, which was received on XXXX, alleged that the University is discriminating, on the basis of disability, because certain pages of the University's website are not accessible to students and adults with disabilities including, but not limited to, vision impairments.

OCR is responsible for enforcing section 504 of the Rehabilitation Act of 1973, as amended (Section 504), 29 United States Code (U.S.C.) § 794, *et seq.*, and its implementing regulations at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability in programs and activities of recipients of federal financial assistance. As a recipient of federal financial assistance from the Department and as a public entity, the University is subject to OCR's jurisdiction under Section 504.

Before OCR completed its investigation, the University expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement. Following is a summary of the relevant legal standards and information obtained by OCR during the investigation.

Legal Authority:

Section 504 prohibits individuals, on the basis of disability, from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by recipients of federal financial assistance or by public entities. 34 C.F.R. § 104.4. Section 504 prohibits affording individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that is unequal to the opportunity afforded others. 34 C.F.R. § 104.4(b)(1)(ii). Similarly, individuals with disabilities must be provided with aids, benefits, or

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness
by fostering educational excellence and ensuring equal access.*

services that provide an equal opportunity to achieve the same result or the same level of achievement as others. 34 C.F.R. § 104.4(b)(2). An individual with a disability, or a class of individuals with disabilities, may be provided with a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit, or service is as effective as that provided to others. 34 C.F.R. § 104.4(b)(1)(iv). In sum, programs, services, and activities—whether in a “brick and mortar,” on-line, or other “virtual” context—must be operated in ways that comply with Section 504.

Investigation To Date:

OCR examined the pages on the University’s website identified by the complainant to determine whether they are accessible to persons with disabilities. These web pages included:

- *The George Washington University’s Homepage* (<http://www.gwu.edu.edu/>)
- *The George Washington University’s Virtual Tour* (<https://virtualtour.gwu.edu/>)
- *The George Washington University’s Facebook* (<https://www.facebook.com/georgewashingtonuniversity>)
- *Accessibility at GW* (<https://accessibility.gwu.edu/>)
- *Accessibility at GW Disability Support Services* (<https://accessibility.gwu.edu/disability-support-services>)
- *Accessibility at GW Digital Accessibility* (<https://accessibility.gwu.edu/digital-accessibility>)
- *Accessibility at GW Classroom Services* (<https://accessibility.gwu.edu/classroom-services>)
- *The George Washington University’s Undergraduate Admissions* (<https://www.gwu.edu/undergraduate-admissions>)
- *Office of Student Financial Assistance Loans* (<https://financialaid.gwu.edu/loans>)
- *Office of Student Financial Assistance Military Educational Benefits* (<https://financialaid.gwu.edu/military-educational-benefits>)

OCR evaluated the above-listed pages and identified concerns as to whether the University’s website is accessible to individuals with disabilities. For example, parts of the website pages, including videos, examined are not fully accessible to the keyboard and the focus of where they are is not apparent, which means that important content of the websites could only be accessed by people who can use a computer mouse, and the content and functions are not available to those who are blind, many who have low vision, and those with disabilities affecting fine motor control; certain videos did not have captions; important images were missing text descriptions, called “alt tags,” that describe the images to blind users who use special software; some links were not labeled; and calendars were improperly formatted so that the content and functions are not available to those who are blind or may have low vision.

Pursuant to Section 302 of OCR’s *Case Processing Manual*, the University signed the enclosed Resolution Agreement on March 28, 2018 which, when fully implemented, will resolve the allegations raised in this complaint. The provisions of the Agreement are aligned with the allegations and issues raised by the Complainant and the information obtained during OCR’s investigation, and are consistent with applicable law and regulation. OCR will monitor the

University's implementation of the Agreement until the University has fulfilled the terms of the Agreement. Failure to implement the Agreement could result in OCR reopening the complaint.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

Thank you for the assistance the University personnel, especially Ms. Toi Carter, University Counsel, extended to OCR in resolving this complaint. If you have any questions, please contact Jan D. Gray at Jan.Gray@ed.gov or 202-453-6028, the OCR attorney assigned to this complaint.

Sincerely,

/s/

Kristi R. Harris
Team Leader, Team IV
District of Columbia Office
Office for Civil Rights

Enclosure: Resolution Agreement

cc: Toi Carter, University Counsel